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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,468	09/17/2003	Debasis Bagchi	IHEAL-01038US1	4351
23910	7590	07/28/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			FLOOD, MICHELE C	
			ART UNIT	PAPER NUMBER
			1655	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060721

DATE MAILED:

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Commissioner for Patents

Applicant's response to the previous Office communication filed on May 9, 2006 is acknowledged. However, Applicant's acknowledgment of the cancellation of Claims 39-50 along with an election to prosecute previously presented claims 51-70 is still considered non-responsive to the restriction election requirement set forth in the Office action mail dated October 31, 2005 for the following reasons:

The amendment filed on February 26, 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because withdrawn Claims 1-38 are directed to a method for preventing or inhibiting angiogenesis in a person, a method for providing a compound with a high oxygen radical absorbance capacity and a method for preventing or inhibiting the growth of *Helicobacter pylori* in a person, and previously presented Claims 51-70 are directed to inventions drawn to compositions comprising two or more berry extracts having claim-designated functional effects, whereas the invention of elected but cancelled Claims 39-50 is drawn to a composition that prevents or inhibits angiogenesis of *Helicobacter pylori* or acts as a powerful antioxidant in the human body.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Michele C. Flood
MICHELE FLOOD
PRIMARY EXAMINER

Michele Flood
Primary Examiner
Art Unit: 1655